

**REMARKS/ARGUMENTS**

Re-examination and favorable reconsideration in light of the above amendments and the following comments are respectfully requested.

Claims 1 - 18 are pending in the application. Claims 1 - 10 stand withdrawn from consideration as being directed to a non-elected invention; and claims 11 - 18 stand rejected.

By the present amendment, claims 1 - 10 have been cancelled without prejudice. Applicants shall file a divisional application to these claims in due course. Further, claims 11, 12, 14, and 15 have been amended and new claims 19 - 24 have been added to the case.

In the office action mailed April 26, 2005, claims 11 - 18 were rejected under 35 U.S.C. 112, second paragraph; claims 11 - 15 and 18 were rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,807,734 to Eldridge et al.; claims 11 - 15 and 18 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,243,757 to Grabbe et al. or U.S. Patent No. 4,499,366 to Yoshida et al.; claims 11 - 18 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Publication No. 2004/0016119 to Eldridge et al. in view of U.S. Patent No. 6,807,734 to Eldridge et al.; claims 11 - 18 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,078,598 to Kelso et al. in view of U.S. Patent No. 3,957,104 to Terpay; claims 11 - 18 were rejected under 35 U.S.C. 102(e)/(f)/(g) as being anticipated by U.S. Patent No. 6,637,500 or U.S. Patent Publication No. 2004/0020629 to Shah; claims 11 - 18 were rejected under the judicially created doctrine of obviousness type double patenting as being unpatentable over claims 1 - 14 of U.S. Patent No. 6,637,500 and over claim 13 of co-pending application no. 10/631,605; and

claims 11 - 18 were rejected under 35 U.S.C. 102(a) as being anticipated by EP 1,306,147 to Shah et al.

The foregoing rejections are traversed by the instant response.

With respect to the rejection under 35 U.S.C. 112, second paragraph, this rejection is devoid of any merit. The claims do not define the refractory metal core in terms of a wax die. Rather the claims define the refractory metal core in terms of the environment in which it is used and the functions carried out by the various components of the refractory metal core. The Examiner has not pointed out any reason why the claims could not be understood when read in light of the specification. Applicants hereby request the Examiner to withdraw this rejection.

In order to find that a reference anticipates a claim, each and every limitation set forth in the claim must be found either expressly or inherently described in that reference. A review of the Eldridge et al. '734 patent, the Grabbe et al. patent, and the Yoshida et al. patent shows that none of these references is directed to a refractory metal core for maintaining a core in a desired position with respect to a wax die. Eldridge et al. relates to a microelectronic contact structure and has nothing to do with any casting method. Grabbe et al. is related to a method of making contact surface for a contact element. Member 14 in Grabbe et al. is nothing more than an electrical contact. Yoshida relates to a ceramic heater device wherein element 80 is a lead wire. None of these references teach or suggest a core element formed from a refractory material having the planar central portion and the spring tab means of claim 11 and/or the core element means and its features of claim 14. For these

reasons, claims 11 - 15 and 18 are not anticipated by any of these references.

With regard to the rejection of claims 11 - 18 over Eldridge et al in view of Eldridge et al., neither reference is directed to a refractory metal core for maintaining a core in a desired position with respect to a wax die. Still further, neither reference teaches or suggests a core element formed from a refractory material having the planar central portion and the spring tab means of claim 11 and/or the core element means and its features of claim 14. For these reasons, claims 11 - 18 are patentable over the proposed combination of the Eldridge et al. patents publications.

With regard to the rejection of claims 11 - 18 over Kelso et al. in view of Terpay, it is submitted that claim 11 is allowable because neither reference teaches or suggests a core element having the claimed planar central portion and the integrally formed spring tab means. Claims 12 and 13 are allowable for the same reasons as claim 11 as well as on their own accord. Claim 14 is allowable because neither of the cited and applied references teaches or suggests the claimed core element means having the claimed core engaging means, the claimed planar central portion, and the claimed slot engaging means. Claims 15 - 18 are allowable for the same reasons as claim 14 as well as on their own accord.

With regard to the anticipation rejections over Shah '500, Shah '629, and/or Shah '147, none of these references teaches or suggests the subject matter of amended claims 11 and 14. For example, none of the references teaches or suggests the claimed core element and integrally formed spring tab means of claim 11 and/or the claimed core element means of claim 14 having the

engaging means at a first end and the engaging means at the second end with an intermediate planar central portion.

With regard to the obviousness type double patenting rejections, the Examiner has not set forth a proper obvious type double patenting rejections. For example, the Examiner has not provided any reason why the claims are not patentably distinct from each other. Clearly, the claims in the '500 patent and the co-pending application contain limitations which are not present in the claims in the instant application. The Examiner has provided no statement as to why one of ordinary skill in the art would be motivated to eliminate these claimed elements. Further, the Examiner attempts to use the disclosure of these patents as the basis for double-patenting. The Examiner can not do this. A double patenting rejection has nothing to do with the disclosure and everything to do with what is being claimed. When one looks at the claims in the cited patent and the cited application, one can appreciate that they are directed to an entirely different invention from that being claimed herein. The Examiner should summarily withdraw the obviousness type double patenting rejections since they are improper.

For the foregoing reasons, the instant application is in condition for allowance. Such allowance is respectfully solicited.

Should the Examiner believe an additional amendment is needed to place the case in condition for allowance, he is hereby invited to contact Applicants' attorney at the telephone number listed below.

A request for a one-month extension of time is enclosed.

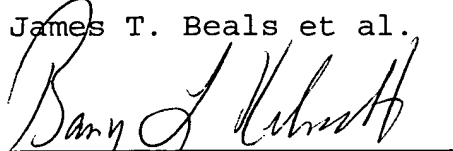
The Director is hereby authorized to charge Deposit Account No. 02-0184 in the amount of \$120.00 to cover the cost of the extension of time.

Should the Director determine that an additional fee is due, he is hereby authorized to charge said fee to said Deposit Account.

Respectfully submitted,

James T. Beals et al.

By



Barry L. Kelmachter  
BACHMAN & LaPOINTE, P.C.  
Reg. No. 29,999  
Attorney for Applicants

Telephone: (203)777-6628 ext. 112  
Telefax: (203)865-0297  
Email: docket@bachlap.com

Date: August 25, 2005

I, Nicole Motzer, hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313" on August 25, 2005.

